

**INITIAL STATEMENT OF REASONS**  
**Amend Minimum Standards for Legislatively Mandated Courses**  
**Commission Regulation 1081**

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**PROBLEM STATEMENT**

Commission Regulation 1081 establishes minimum training standards for legislatively mandated courses. Subsection(a)(O) states that the *California Law Enforcement Vehicle Pursuit Guidelines* (Rev 2/2007) may be used by agencies to satisfy the requirement for training on “reporting and post-pursuit analysis.” These guidelines are outdated and in need of revision and/or updating. The Commission of Peace Officer Standards and Training (POST) staff have completed updates to the guidelines, and the regulation now requires an amendment to reflect the current version of the guidelines for agencies to use to satisfy the training on “reporting and post-pursuit analysis.”

**PURPOSE**

POST proposes to amend Commission Regulation 1081, Minimum Standards for Legislatively Mandated Courses to address the following:

- Amend section (a)(O) to reflect the current version of the *California Law Enforcement Vehicle Pursuit Guidelines* (Rev. 4/2022).

**NECESSITY**

**Justification for Proposed Revisions**

The proposed revisions listed within this document were suggested by a group of subject matter experts (SMEs) in collaboration with POST consultants. The group reviewed and recommended updates for accuracy, currency, any changes in law, and ease of reading.

The following are the proposed changes and the locations within the document where the proposed change is located:

**POST COMMISSIONERS:** The proposed revision removes the names of the previous Commissioners who are no longer on the Commission and lists the names of the current Commissioners. Each POST guideline credits and lists the current group of Commissioners, thus this proposed revision was necessary.

**ACKNOWLEDGMENTS:** The proposed revision removes the names of the previous SME committee members and replaces them with the names of the current SME committee members. Additionally, the proposed revision adds an acknowledgment that the contents of the guidelines reflect the collective effort of the committee, including the currently proposed additions. The SME group felt this revision was necessary, to establish its participation in the process as only for the 2022 version.

**PREFACE:** The proposed revision adds to paragraph 2, when referencing the immunity from liability as per California Vehicle Code (VC) Section 17004.7, that agencies must also obtain a signature from each officer affirming that they have been trained on pursuit policy.

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This is a necessary step according to the law and was missing from the previous version, thus this is a necessary revision.

**TABLE OF CONTENTS:**

Chapter 16 – Pursuit Policy Training, Promulgation, and Certification:

The proposed revision was necessary to reflect the addition of this chapter within the table of contents (the justification for the addition of this chapter is explained within this ISOR under the heading “Chapter 16, Pursuit Policy Training, Promulgation, and Certification.”)

**INTRODUCTION:**

This revision proposes that the first paragraph of the introduction be deleted, as it states language from the legislature which is self-evident (pursuits are dangerous, cause injuries and property damage as well as death to innocent parties), and thus this revision is necessary for ease of reading.

The proposed revision also deletes and updates references to the 2006 revision to be contemporary to the 2022 revision, necessary to ensure the acceptability and accuracy of the more current revision.

The proposed revision adds a paragraph that stresses the importance of the guidelines as a uniform resource for executives to use in the creation of policy to include the needs of the agency, as well as the needs of the community, as per Penal Code (PC) Section 13519.8. SMEs felt this revision was necessary to ensure executives consider community needs in policy creation, and also necessary as the law requires this and it was omitted in the previous version.

The addition of a paragraph that emphasizes the need for an agency to adopt, promulgate, train on, and affirm with a signature that 100% of agency personnel have received and understand the policy (as per VC Section 17004.7), has been proposed in this revision. The previous version did not emphasize this legally required component and is thus a necessary revision.

**SECTION ONE: VEHICLE PURSUIT GUIDELINES:**

**Chapter 1, When to Initiate a Pursuit:**

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter. The SMEs felt this was a necessary revision to correctly state the code sections, rather than just providing hyperlinks.

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- The proposed revision adds detail to the discussion of the “Balance Test” and further defines this as an ongoing decision-making process to analyze the risk of initiating, continuing, and/or terminating a pursuit. The proposed revision adds that if the threat to public or officer safety is greater than the need for immediately apprehending the suspect, the pursuit should not be initiated, or it should be terminated. This language is reflective of and more congruent with the language of VC Section 17004.7 and thus a necessary revision.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- The definition of a pursuit has been refined in this proposed revision to a more contemporary definition reflective of the California Highway Patrol (CHP) statewide definition and includes a reference to the suspect driving a motor vehicle and using other evasive tactics in an attempt to avoid arrest. These details were missing from the previous version and SMEs felt that the CHP definition being used statewide was widely vetted and more accepted, thus this revision proposes a more appropriate definition for statewide guidelines, which the SMEs deemed necessary as a revision.
- The *Balance Test-Factors to be Considered* lists bullet points in which this proposed revision suggests changes, edits, and additions. All of these were deemed necessary to clarify ambiguous information and provide contemporary information as well.
- The introduction title for the bullet points in this chapter and all chapters within the document, suggests the addition of “including but not limited to” in order to clarify for the readers that this list does not prevent agencies from including additional locally themed considerations. SMEs deemed it necessary to include locally themed considerations and not restrict agencies to only this list.
- The first bullet adds “protection of” before the bullet point on public safety in order to clarify that public safety should be protected, not just considered. The SMEs felt this was a necessary addition.
- The second bullet point clarifies that instead of simply considering the nature of the offense and apparent circumstances, officers should consider the initial reason for the stop. The proposal is to change the previous bullet point, “Nature of offense and apparent circumstances” to “initial reason(s) for the stop.” This is congruent with academy and in-service training that teaches officers to always be aware of the initial reason and justification for a stop or detention. This practice is learned in the basic academy by all California law enforcement officers and thus a necessary revision. This bullet point also replaces two previous version bullet points, “Nature of offense and apparent circumstances” and “vehicle code requirements.”
- The third bullet point proposes the addition of “the apparent need for immediate capture balanced against the risks to the peace officers, innocent motorists, and others to protect the public.” This clarification more closely aligns with the “balance test” peace officers are taught to consider during high-speed pursuits. This proposed bullet point also more closely aligns with VC Section 17004.7 (c)(1), “the

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importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to peace officers, innocent motorists, and others to protect the public.” This bullet point also enhances and replaces the previous version bullet point which said, “officer safety.” The SMEs felt that this was more impactful and important and thus a necessary revision.

- This revision proposes the addition of the eighth bullet point, “Dangerous driving of the suspect that creates unreasonable risk to the public.” This addition clarifies to law enforcement that this is an important consideration for the “balance test” of whether to continue or terminate a pursuit. This was not clearly stated in the previous version and thus was considered a necessary revision.
- This revision proposes the addition of the ninth bullet point, “Known or suspected impairment (if any) of the suspect.” This was another area not previously addressed in the earlier version and thus deemed by the SMEs to be a necessary addition.
- This revision proposes the revision of the bullet point that listed, “Weather, visibility and road conditions to include the time of day.” The proposed revision also deletes the word road from conditions and adds environmental to encourage officers to consider not just road conditions, but all environmental conditions.
- This revision proposes the addition of the bullet point, “road conditions and configuration (e.g., interstate, divided highway, work zone)” as important considerations for whether to continue or terminate a pursuit. These considerations were not specifically listed in the previous version and thus considered necessary revisions by the SMEs.
- This revision proposes the addition of the bullet point, “Suspect may be safely apprehended at a later time (e.g., the suspect has been identified).” This consideration was not originally added to the “balance test” and is an important consideration, and thus considered a necessary revision by the SMEs.
- This revision proposes the addition of the bullet point, “Performance capabilities of law enforcement vehicle(s) and the vehicle being pursued.” This consideration was not originally added to the “balance test” and is an important consideration and thus considered a necessary revision by the SMEs.
- This revision proposes the revision of the bullet point, “Availability of additional resources” by adding to this bullet point, the considerations of time and distance and clarifying resources such as air support, ground units as well as tagging/tracking capability. These considerations were not originally added to the “balance test” as important considerations and thus considered a necessary revision by the SMEs.
- This revision proposes the deletion of the bullet point “officer’s/supervisor’s familiarity with the area of the pursuit” as this consideration has now been fully covered within the revised bullet point of “location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction, interstate, divided highway, work zone), and thus considered a necessary revision by the SMEs.
- To the bullet point, “Quality of radio communications (e.g., out of range, garbled, none), this revision suggests the deletion of the word “radio” as there are now other means of communication for which the quality of communications should be

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considered. The SMEs felt that limiting this to just radio was no longer contemporary and thus considered this a necessary revision.

#### **Chapter 2, Number of Involved Law Enforcement Units Permitted:**

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word guideline now appears before the applicable Vehicle Code within this chapter. The SMEs felt this was a necessary revision to correctly state the code sections, rather than just providing hyperlinks.
- The proposed revision removes the first sentence of the discussion that mentions research on the likelihood of a collision relative to how many units are actively participating in the pursuit. The SMEs were unable to locate any contemporary research to validate this and thus considered this a necessary revision.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- The proposed revision changes the first bullet point within factors to consider from “type of units” to “total number of law enforcement vehicles authorized to participate in a pursuit.” The previous version was not specific as to the total number of vehicles authorized to participate in pursuit even though that was exactly what this chapter was created to detail. The SMEs determined this a necessary revision for this purpose.
- In the previous version, the first bullet point discussed the type of units and described some types of units and the second bullet point discussed types of units and specific roles. The proposed revision has combined those two bullet points into a new second bullet point. For ease of reading and conciseness, the SMEs felt this was a necessary revision.
- The revised version proposes a new third bullet point that clarifies if and when additional units might be authorized and proposes roles be defined. This was not covered in the previous version and thus determined to be a necessary revision by the SMEs.
- The proposed revision removes from the fourth bullet point, the parenthetical clarification of “traffic control in advance of the pursuit.” This was determined by the SMEs to be too specific a suggestion and something that was not proposed within legislation and thus unnecessary. This was deemed a necessary revision by the SMEs.
- The proposed revision adds four new bullet points to this section:
  - “Officer safety, to include information concerning the presence/use of firearms, overt threat of force or other unusual hazard”
  - “Vehicular or pedestrian traffic safety and volume”

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- “Location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction, interstate, divided highway, work zone)”
  - “Time of day, weather, lighting, visibility, and environmental conditions”
- Each of these added bullet points were not covered within the previous version for this section and each of these was deemed by the SMEs to be important considerations for the number of units authorized to participate in a vehicle pursuit and thus were necessary revisions.
- The proposed revision removes two bullet points from this section:
  - Characteristics of the location/area
  - Traffic conditions
- SMEs felt that these were both now listed within other bullets in the proposed revision, “Location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction, interstate, divided highway, work zone)” and “vehicular or pedestrian traffic safety and volume.” To avoid repetition and for ease of reading, the SMEs felt this was a necessary revision for this reason and thus these were deemed necessary revisions.

#### **Chapter 3, Responsibility of Primary and Secondary Law Enforcement Units:**

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- The proposed revision removes all the previous bullet points from this chapter. In discussions with the SMEs, it was determined that the previous bullet points touched on only a few of the responsibilities of the primary and secondary units and they were thus inadequate. It was felt that the responsibilities of the primary and secondary units were no different than those responsibilities outlined in Chapter 1 of the revised edition. Thus, the SMEs offered only two bullet points for this chapter to replace those deleted:
  - Role of primary unit (e.g., responsibility for the conduct of the pursuit, communications)
  - Role(s) of secondary unit (e.g., may assume communications)
    - Role of supervisor (e.g., overall management and control of the pursuit – see section 9 regarding supervisory responsibilities)
    - Conditions for authorizing additional units
- It was felt that by suggesting the primary unit’s responsibility was simply for the conduct of the pursuit, that the responsibilities outlined in Chapter 1 would then

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comprehensively outline these responsibilities. The role of the second unit would be for communications, as outlined in Chapter 6, or as a supervisor as outlined in Chapter 9, or simply when taking over the pursuit as the primary officer the responsibilities are outlined in Chapter 1. It was determined that in order to be more comprehensive in the responsibilities, the SMEs felt it important to simply direct readers to the appropriate chapters, and thus this was a necessary revision.

#### **Chapter 4, Driving Tactics:**

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- The proposed revision removes the paragraph that discusses VC Sections 21055, 21056, and 21807. The SMEs felt that these sections merely describe the duty to drive with due regard (already covered within the balance test) and the exemption from the Vehicle Code for an authorized emergency vehicle (merely an exemption and does not describe any tactic for driving). The SMEs felt these were not truly applicable to this section and thus for ease of reading proposed removing this paragraph as a necessary revision.
- The proposed revision changes the second bullet point from “intersection analysis/management” to simply “clearing intersections.” This terminology is more congruent with police academy training and with normal day-to-day operations and thus more applicable to inclusion within a policy manual for agencies. The SMEs felt this a necessary revision for greater accuracy in creating agency policy.
- The proposed revision also removes the bullet point, “Use of emergency equipment.” This refers to the lights and siren being required during any pursuit. SMEs felt this was not a tactic, but a requirement for any emergency response and was so basic as to be unnecessary and thus a necessary revision to this version of the guidelines.

#### **Chapter 5, Air Support:**

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- In this revision, the SMEs proposed clarification of the first bullet point, which said “communications,” by adding “coordination of activities of ground units, progress of the pursuit.” This was deemed a necessary revision to ensure communications were not considered solely as advising dispatch of the air unit’s involvement.
- The SMEs felt that the addition of a second bullet that said, “Provide information to supervisor(s), ground unit(s) for continuous assessment of risk to public, officer(s), and suspect(s)” and a third bullet, “Whether to continue or modify ground unit response” was a necessary revision as this information was not covered within the previous version. It was felt that the air unit would be best able to provide the information that would enhance the continuous assessment of risk to the public as well as whether the pursuit should be continued.
- The SMEs also suggested the addition of information to the bullet point that said simply, “weather.” The SMEs suggested the revision be added to this bullet point of, “time of day, weather, lighting, visibility, and environmental conditions.” This was more comprehensive, and again, an area where air support would be best able to provide updates on all of these areas. The SMEs felt this a necessary revision for these reasons.

#### Chapter 6, Communications:

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- In the *Factors to Consider* section, the SMEs suggested changes to bullet points within the sub-bullet points of “Initial information broadcast by primary unit; the initial information may include.” The SMEs suggested the removal of the word “speed” from the second bullet point and the creation of a third bullet point that clarifies this by saying, “speed of officer(s) and/or speed/evasive tactics of fleeing suspect(s).” The SMEs felt it necessary to clarify that the speed of the officer(s) and suspect(s) were important and thus proposed this necessary revision.
- In the *Factors to Consider* section, the SMEs suggested changes to bullet points within the sub-bullet points of “Initial information broadcast by primary unit; the initial information may include.” The SMEs suggested the removal of the bullet



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point, “traffic and weather conditions,” and suggested replacing this bullet point with two bullet points that say, “Road conditions” and “Pedestrian, vehicular traffic patterns, and volume.” The SMEs felt it was important to expand and clarify traffic and weather conditions and felt this is necessary revision to clarify.

- The proposed revision removes from the fourth bullet point, the parenthetical clarification of “traffic control in advance of the pursuit.” This was determined by the SMEs to be too specific a suggestion and something that was not proposed within legislation and thus unnecessary. This was deemed a necessary revision by the SMEs.
- The proposed revision adds ten new bullet points to this section:
  - “Officer safety, to include information concerning the presence/use of firearms, overt threat of force, or other unusual hazard”
  - “Time of day, weather, lighting, visibility, and environmental conditions”
  - “Assignment of communications responsibilities”
  - “Secondary unit(s), notify communications of joining the pursuit and when appropriate will take responsibility for radio communications”
  - “Air support and/or canine unit availability and ETA”
  - “Ongoing updates of suspect vehicle speed and behaviors”
  - “Identify any additional outside agencies joining the pursuit”
  - “Clearing the radio channel of non-emergency traffic”
  - “Dispatch center roles and responsibilities”
- Each of the above added bullet points were not covered within the previous version for this section and each of these were deemed by the SMEs to be important considerations for the communications responsibilities of an agency and officers involved in a vehicle pursuit and thus were necessary revisions.

#### Chapter 7, Capture of Suspects:

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held word the “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- The *Discussion* section of this chapter includes an additional sentence proposed by the SME group as a revision to this document. The sentence states: “The fluidity of the situation and reasonableness of the tactics used under the totality of the circumstances should be considered.” SMEs felt that this sentence more

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clearly states the legal requirement to use only that force which is necessary and was thus a necessary revision.

- In the *Discussion* section, the SMEs offered the revision to remove the second and third paragraphs entirely. The SMEs offered a new third paragraph in its place:

“Departments should refer to its use of force policy in determining procedures for taking a suspect into custody. The policymaker may consider an assessment by the officer or supervisor at the scene as to whether there are sufficient units on scene to safely handle the apprehension and if so, restricting uninvolved units from responding to the termination point.”

The SMEs determined the paragraphs from the previous version were unclear on how to actually take a person into custody post-pursuit and rather simply offered that this needed to be addressed in a policy. The SMEs offered the replacement paragraph which now directs agencies to follow its use of force policies when drafting policy to take a suspect into custody at the end of a pursuit. The SMEs felt this was an important revision to provide more concise and appropriate guidance in creating a policy.

- The SMEs suggested two additional bullet points for this section:
  - “Identify person(s) in command at the termination point”
  - “Utilize de-escalation techniques (when appropriate)”
- The SMEs determined that identification of a person in command at the scene will assist in ensuring supervision is taking place and being utilized. De-escalation was not mentioned in the previous version and is now mandated by law to be considered in use of force situations. The SMEs determined these were both necessary revisions for these reasons.

#### **Chapter 8, Continuation or Termination of a Pursuit:**

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter.
- The proposed revision refines the paragraph, describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- In the *Factors to be Considered* section, the second bullet point from the previous version was “Nature of offense and Circumstances.” As with other

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chapters in this document, the SMEs changed this bullet point to “Initial reason(s) for the stop.” This is congruent with academy and in-service training that teaches officers to always be aware of the initial reason and justification for a stop or detention. This practice is taught in the basic academy to all California law enforcement officers and thus a necessary revision.

- In this section, the SMEs also suggested the deletion of the bullet point “Vehicle Code Requirements” as it was too generic and not specific as to which codes and what was important about them. The SMEs felt this was a necessary revision as it was too broad a bullet point.
- The SMEs also suggested revision to the bullet point, “Officer safety.” This was also deemed too broad, and the SMEs revised this to be congruent with Chapter 1, where the balance test was discussed. The bullet point in Chapter 1 was also inserted here, “The apparent need for immediate capture balanced against the risks to peace officers, innocent motorists, and others to protect the public.” This clarification more closely aligns with the “balance test” peace officers are taught to consider during high-speed pursuits. This proposed bullet point also more closely aligns with VC Section 17004(c)(1), “the importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to peace officers, innocent motorists, and others to protect the public.” This bullet point also enhances and replaces the previous version bullet point which said, “officer safety.” The SMEs felt that this was more impactful and important and thus a necessary revision.
- This revision proposes the addition of the ninth bullet point, “Known or suspected impairment (if any) of the suspect. This was another area not previously addressed in the earlier version and thus deemed by the SMEs to be a necessary addition.
- This revision proposes a new bullet point (the last one in this section):
  - “When involved in a pursuit, police motorcycles and unmarked law enforcement vehicles should be replaced by marked 4-wheel emergency vehicles as soon as practicable”

This point had not been mentioned in the previous version of this document and the SMEs felt it was an important factor in determining whether or not a pursuit should be terminated, thus they felt it was a necessary revision.

- The SMEs suggested the deletion of a bullet point in the previous version (the 15<sup>th</sup> bullet point), “Ability of officer(s) driving.” The SMEs felt this point was already discussed in the bullet point describing performance capabilities of law enforcement vehicles.

#### **Chapter 9, Supervisory Responsibilities:**

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of

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the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter.

- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- The first sentence of the discussion in this section lists three or four responsibilities for supervision. The SMEs felt it more appropriate that these were covered within the bullet point section of *Factors to be Considered* and thus deleted this first sentence as a suggested revision. This was deemed necessary as a readability improvement and removal of repetition.
- In the *Factors to be Considered* section, the SMEs suggested the first two bullet points be deleted:
  - “Violation/justification for the pursuit”
  - “Compliance with department policy”

The SMEs deemed the primary officer’s responsibility for each of these and they are covered within the bullet point referring to the supervisor’s responsibility for when to terminate a pursuit (last bullet point in new version). For this reason, the SMEs felt this was a necessary revision.

- The SMEs also felt the 5<sup>th</sup> and 6<sup>th</sup> and 14<sup>th</sup> bullet points should be deleted:
  - “Driving Tactics”
  - “Air Support”
  - “Stabilization of Incident”

The SMEs felt the driving tactics were repetitious to the bullet point for “Assessment of risk factors associated with a pursuit-speed and conditions.” The SMEs determined that air support was also the responsibility of the primary unit and fell to the supervisor as responsibility only to “Assess the need for additional resources.” The SMEs felt that stabilization of the incident was also the responsibility of the responding officers but was the supervisor’s responsibility under the bullet point “assess the need for additional units” and “proceed to the termination point.” For these reasons, the SMEs felt these bullet points were repetitive and did not conform to easy readability and thus were necessary revisions.

- The SMEs also felt that for readability, the bullet points should be broken into three main categories:
  - The role of the supervisor in managing and controlling a pursuit
  - Assessment of risk factors associated with a pursuit

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- When to terminate a pursuit
- Within these three main topics, the SMEs proposed new bullet points. Within the role of the supervisor bullet point, SMEs proposed adding two bullet points:
  - Dispatch, units, and chain of command (if appropriate) notified when a supervisor is monitoring a pursuit
  - Assess the need for additional resources (e.g., air support, canine, etc.)
  - Ensure completion of post-pursuit review and proper documentation including CHP 187A form submitted within 30 days
- None of these points had been addressed in the previous version and were thus deemed necessary revisions by the SMEs. The SMEs also proposed a revision with an added bullet point in the category “Assessment of risk factors associated with a pursuit:” to include “Time of day, weather, lighting, visibility, and environmental conditions.” This too had not been included in the previous version and was deemed a necessary revision by the SMEs.
- Under the heading, “When to terminate a pursuit,” the SMEs added a final bullet in this chapter, “Monitor the pursuit for indications that termination of the pursuit may be appropriate.” This was also not covered in the previous version and was deemed a necessary and important role for a supervisor in a pursuit, thus it was a necessary revision.

#### Chapter 10, Pursuit Intervention:

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- In the *Discussion* section, in the final paragraph, the SMEs proposed the removal of the reference to GPS/remote control, and the use of firearms from the sentence that states, “Additional methods of intervention may include “PIT” (Pursuit Intervention/Immobilization Technique), spike strips, technology (e.g., GPS/remote control), and the use of firearms.” The revised sentence states, “Additional methods of intervention may include the PIT technique (Pursuit Intervention/Immobilization Technique), spike strips, and/or other technologies.” The SMEs felt it was too restrictive to mention only a few examples of technology when many more are available and being invented routinely. For this reason, the SMEs deemed this a necessary revision.

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- In the first bullet point within the section on *Factors to Consider*, originally read “Training on the method/tactic” and the SMEs updated it to give more focus on the point being made. The updated bullet, now says, “Training on the method/tactic (officer and public safety emphasis).” The SMEs felt it was important to remind trainers to not only train on the tactic but train to emphasize safety to all. For this reason, the SMEs felt this a necessary revision.
- To the bullet point “speed,” the SMEs added, “Speed of officer(s) and/or speed/evasive tactics of fleeing suspect(s).” The SMEs felt it was important to ensure officers did not just relate speeds of either the officer(s) or suspect(s) but include evasive tactics as well in order to provide supervisors with a better overall picture of the type of pursuit involved. This too was deemed a necessary revision for this reason.
- The previous bullet point, “Occupant(s) of suspect vehicle (hostages, innocent persons, etc.),” the SMEs offered the clarification, “Other persons in or on pursued vehicle (e.g., passengers, minors, co-offenders, hostages).” The SMEs thought it was important to include the term “in or on”, because of pursuits where a person has jumped onto the car to try and prevent a theft and is then carried along in the pursuit. This is critical information for a supervisor to have and thus the SMEs deemed it a necessary revision.
- To the bullet point, “weather and visibility,” the SMEs clarified this to include, “Time of day, weather, lighting, visibility, and environmental conditions” in order for the consideration to be more comprehensive. The SMEs felt the additional information was important and thus this was a necessary revision.
- The SMEs offered a revision to the bullet point, “Department use of force/shooting policy” to be more congruent with terms used in agencies, “Department use of force/deadly force policy.” Deadly force is the term most agencies use to describe this level of force and thus a necessary revision for the SMEs.
- As with other chapters in this document, the SMEs changed the bullet point “Nature of offense” to “Initial reason(s) for the stop.” This is congruent with academy and in-service training that teaches officers to always be aware of the initial reason and justification for a stop or detention. This practice is taught in the basic academy to all California law enforcement officers and thus is a necessary revision.
- The SMEs also proposed three new bullet points for this chapter:
  - “The apparent need for immediate capture balanced against the risks to peace officers, innocent motorists, and others to protect the public”
  - “Initial reason(s) for the stop”
  - “Technology based intervention (e.g., ability to remotely shut down vehicle, restrict speed, obtain GPS tracking, etc.)”

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None of these bullet points were in the previous version. The bullet point regarding the apparent need for immediate capture reflects the balance test, which has been mentioned as an ongoing assessment during a pursuit. The SMEs felt it was important to emphasize here that this should be a consideration when employing pursuit intervention. Lastly, the technology bullet point was not an important consideration when these guidelines were first created since technology was not as advanced and as commonplace. Both of these were deemed by the SMEs to be important and necessary revisions.

#### Chapter 11, Speed of Pursuit:

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- In reviewing the bullet points in this chapter, the SMEs determined that the long list of bullet points could more appropriately be covered within four new main bullet points and two sub-points within the main points. The new bullet points are **highlighted in bold** in the following list and the previous bullet points from the previous version *are in strikethrough italics* below each of its corresponding new bullet point. The SMEs felt that for ease of reading and organization, this was a necessary revision.
  - **Public safety, risk to officer(s), risk to suspect(s) are continually assessed, and balanced against apparent need for capture**
    - ~~Public safety~~
    - ~~Nature of offense and apparent circumstances~~
    - ~~Officer safety~~
  - **Speed risk assessment should be based on the totality of the circumstances including but not limited to the following factors:**
    - ~~Vehicle code requirements~~
    - ~~Pedestrian and vehicular traffic patterns and volume~~

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- ~~▪ Time of day~~
    - ~~▪ Weather and visibility~~
    - ~~▪ Identity of offender~~
    - ~~▪ Availability of additional resources~~
  - **Pursuit speeds have become unsafe for road conditions and/or locations**
    - ~~▪ Speed of fleeing suspect~~
  - **Capabilities of the officer and/or law enforcement vehicle**
    - ~~▪ Passenger in officer's vehicle~~
    - ~~▪ Road conditions~~
    - ~~▪ Capabilities of law enforcement vehicles~~
    - ~~▪ Ability of officer driving~~
    - ~~▪ Quality of radio communications~~
- **Other persons in or on pursued vehicle (e.g., passengers, minors, co-offenders, hostages)**
  - ~~▪ Other persons in or on pursued vehicle~~
- **Officer/supervisor familiarity with the area of the pursuit**
  - Location of the pursuit
  - Officer's/supervisor's familiarity with the area of the pursuit.

**Chapter 12, Interjurisdictional Considerations:**

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word "guideline" within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word "guideline" now appears before the applicable Vehicle Code within this chapter.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently



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descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.

- In the *Discussion* section of this chapter, the SMEs offered the revision to the first sentence of the second paragraph, “The policy should describe procedures that guide officer’s and supervisors’ decisions when faced with the need or a request for inter-jurisdictional cooperation during a pursuit.” The SMEs felt that the terminology, “faced with the need or a request” was harsh and in a negative light, so the SMEs offer the revision to this sentence as, “The policy should describe procedures that guide officer and supervisor decisions when requesting or responding to requests for inter-jurisdictional cooperation during a pursuit based on department policy and/or any interagency agreements where applicable.”
- Additionally, the SMEs felt that this sentence was comprehensive enough and it now suggests to agencies they should have in place interagency agreements for pursuits, thus the previous two additional sentences in this paragraph were no longer needed. “Developing an inter-jurisdictional pursuit agreement that addresses the below factors and other factors unique to a county or region, may facilitate awareness by officers and supervisors of the pursuit procedures that may be used by other agencies.” The SMEs felt these were necessary revisions based on the readability of this *Discussion* section.
- There were only minor edits to the wording in a few of the bullets for this chapter and none of these were significant changes to the content, making them non-substantive changes.

#### **Chapter 13, Conditions of the Vehicle, Driver, Roadway, Weather, and Traffic:**

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- The SMEs felt that in the *Discussion* section of this chapter, the second and third sentences in the first paragraph, “Improperly maintained vehicles are more likely to experience mechanical failure” and “Officers must be aware that physiological and psychological factors affect driving ability” were both more applicable to, and already covered within, the bullet points of this chapter, and were therefore repetitive here in this *Discussion* section. Additionally, the SMEs could not find

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any research to validate the statement regarding improperly maintained vehicles, even though common sense would indicate it to be true (and thus if it were deemed common sense, it would not be worthy of note). The SMEs felt these were necessary revisions based on these reasons.

- The SMEs felt that the bullet points in this section were wordy and missing two important points. The SMEs first suggested amending the five bullet points into four bullet points while still maintaining all of the key points within the original bullet points. There were no significant changes made with these changes. The SMEs did offer three new bullet points, each of which contained information that was missing from the previous version; thus, these were necessary revisions:
  - “Pedestrian, vehicular traffic patterns, and volume”
  - “Speed of officer(s) and/or speed/evasive tactics of fleeing suspect(s)”
  - “Environmental conditions (e.g., hills, curves, mountainous, etc.)”

#### **Chapter 14, Hazards to Uninvolved Bystanders or Motorists:**

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- The SMEs proposed the deletion of the last sentence in the first paragraph of the discussion section in this chapter: “Doubt concerning the propriety of a pursuit should be resolved in favor of minimizing hazards to uninvolved bystanders or motorists. The SMEs felt that this sentence was repetitive as it primarily restated the first sentence in a different context and manner. For readability, the SMEs felt this was a necessary revision.
- The SMEs suggested some edits to the bullet points for this chapter that were not significant and merely combined two bullet points into one, as well as changing the wording from, “speed of fleeing suspect” to “dangerous driving of the suspect.” This change was felt to be more comprehensive and thus a necessary revision.
- The second bullet point in the previous version of this document, “Nature of offense and apparent circumstances” was changed to “initial reasons for the stop.” This is congruent with academy and in-service training that teaches officers to always be aware of the initial reason and justification for a stop or

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detention. This practice is taught in the basic academy to all California law enforcement officers and thus a necessary revision. The SMEs felt these were all necessary revisions based on these facts.

#### Chapter 15, Reporting and Post-Pursuit Analysis:

- The proposed revision removes the hyperlinked Penal Code and Vehicle Code sections at the beginning of the chapter and replaces them with the actual text of the Penal Code and Vehicle Code sections that apply to this section. The proposed revision also removes the blue background text box that held the word “guideline” within it. This text box was paraphrased from the hyperlinked Vehicle Code section applicable to this chapter. The word “guideline” now appears before the applicable Vehicle Code within this chapter.
- The proposed revision refines the paragraph describing the need to consider the factors listed in VC Section 17004.7 as necessary for the policy to be sufficiently descriptive to meet the standards for immunity according to this section. This was omitted from the previous version and is a necessary revision.
- The SMEs determined that the bullet points for this section were inadequate for today’s law enforcement standards. The previous version had only three bullet points:
  - “Administrative review”
  - “Audio-visual evidence (if available)”
  - “Circumstances associated with pursuit”
- The SMEs felt that reporting and analysis were much more critical to today’s law enforcement requirements as well as providing foundation for transparency to the public. For this reason, the SMEs used the previous bullet points as a foundation to provide a more detailed and thorough explanation of what each of these suggested bullet points mean. The SMEs also added suggested actions that were not previously listed in the earlier version. For these reasons, the SMEs felt these enhanced bullet points were necessary revisions to fulfill these goals.
  - “Requirements for reporting to CHP” (Not previously listed as bullet points in the earlier version)
    - “All state and local law enforcement”
    - “Shall report to the California Highway Patrol”
    - “Paper or electronic form (approved by CHP)”
    - “All motor vehicle pursuit data”
    - “Form must be submitted within 30 days”
    - “Report shall include specific information and details (refer to Vehicle Code §14602.1 and/or information listed on CHP form 187A)”
  - “Agency considerations for reporting requirements” (Enhances earlier bullet point on administrative review)
    - “Who is required to complete a report?”

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- “What information should be included”
  - “Timeline for completion”
  - “Report filed for all pursuits even if discontinued”
- “Review procedures” (enhances previous bullet point on administrative review)
  - “Who is responsible to review report (if any)?”
  - “Supervisory review to evaluate compliance with policy”
  - “Other reviewing body (if applicable)”
- Digital evidence (if available) (Enhances earlier bullet point on audio visual evidence)
  - “Body camera review”
  - “In-car camera review”
  - “Radio communications”
  - “Audio evidence”
  - “Other available technology”
- “Administrative review” (Enhances earlier bullet point on administrative review)
  - “Risk management review”
  - “Any training opportunities”
  - “Department policy revision”
  - “Equipment issues”

#### **Chapter 16, Pursuit Policy Training, Promulgation, and Certification:**

- The proposed revision adds this entire chapter. While the previous version mentions immunity available to agencies as per VC Section 17004.7(c), the previous version was lacking in a full explanation of what all of the requirements were for agencies wishing to avail themselves of this immunity. For this reason, it was deemed a necessary revision to add this new chapter.
- The beginning of this chapter quotes the Vehicle Code and Penal Code sections that provide the basis for immunity to agencies:
  - VC Section 17004.7(b)(1)
  - VC Section 17004.7(b)(2)
- PC Section 13519.8(c),(e) Each of these sections state the mandated requirements that must be met for an agency to avail themselves of the immunity provided by law. These requirements include an agency policy on vehicle pursuits that is adopted and promulgated by the agency. Agency personnel must be provided periodic training on an annual basis. There is also a requirement that all peace officers of the agency certify in writing that they have received, read and understand the policy. The training provided must be consistent with an agency’s policy on vehicle pursuits.

#### **SECTION TWO: ADDITIONAL RESOURCES:**

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- This section provides hyperlinks to agencies for all of the California Penal Code(s), Vehicle Code(s), Government Code(s), US Code(s), etc., that may have applicability to police pursuits. The SMEs felt this section was an area of resource for the agency with links to legislation that could aid in creating or revising its vehicle pursuit policy. The SMEs also determined that many of these sections were only peripherally associated with vehicle pursuits (and some had very minimal association) and for this reason felt it was a necessary revision to delete these peripheral sections in order to provide greater and improved reliability by removing more information than was needed.
  - POST Administrative Manual Regulation 1081(a)(22)&(23):
    - Changed to California Code of Regulations
    - POST Administrative Manual no longer exists, and all regulations were incorporated into the California Code of Regulations.
  - PC Section 815- Liability for Injuries/Immunity of Public Entity
    - This is actually a Government Code section and was already within the previous version (and remains in the current version) but was incorrectly listed as a Penal Code section within the previous version and is thus proposed to be deleted.
  - PC Section 815.2(b)- Injuries by Employee Within Scope of Employment
    - This is actually a Government Code section and was already within the previous version (and remains in the current version) but was incorrectly listed as a Penal Code section within the previous version and is thus proposed to be deleted.
  - PC Section 820 Liability for Injuries Generally/Defenses
    - This is actually a Government Code section and was already within the previous version (and remains in the current version) but was incorrectly listed as a Penal Code section within the previous version and is thus proposed to be deleted.
  - PC Section 820.2 Discretionary Acts
    - This is actually a Government Code section and was already within the previous version (and remains in the current version) but was incorrectly listed as a Penal Code section within the previous version and is thus proposed to be deleted.
  - PC Section 845 Failure to Provide Police Protection

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- This is actually a Government Code section and was already within the previous version (and remains in the current version) but was incorrectly listed as a Penal Code section within the previous version and is thus proposed to be deleted.
- PC Section 845.8(b) Parole or Release of Prisoner/Escape of Prisoner
  - This is actually a Government Code section and was already within the previous version (and remains in the current version) but was incorrectly listed as a Penal Code section within the previous version and is thus proposed to be deleted.

**ARTICLES BOOKS AND PUBLICATIONS:**

- This entire section was a resource for agencies. These resources were dated from the 1980s to the most recent being 2005. As the previous version was published in 2007, all of these articles, books, and publications were now outdated and lacked credibility as such. For this reason, the SMEs suggested deleting this section entirely. Additionally, with online research abilities having advanced exponentially, agencies can more easily conduct their own research and thus this section was simply unnecessary.

**APPENDIX A: CASE LAW**

- The SMEs updated this section by researching more current cases and deleting those cases that were outdated and/or had been superseded by more current case law. SMEs also suggested these be listed alphabetically, rather than by year as they were in the previous version.

Deleted from previous version:

- Stark v. City of Los Angeles
- Kishida v. State of California
- Wiener v. City of San Diego
- Colvin v. City of Gardena
- Payne v. City of Perris
- Berman v. City of Daly City
- Blumer v. City of Los Angeles
- Bryant v. County of Los Angeles
- Thomas v. City of Richmond
- Ketchum v. State of California
- Nguyen v. City of Westminster

Added to latest version:

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- Binue v. Prunchak 2008 case
- Lewis v. County of Sacramento 2001 case
- Moreno v. Quemuel 2013 case
- Mullenix v. Luna 2015 case
- People v. Pakes 2009 case
- Plumhoff v. Rickard 2014 case
- Ramirez v. City of Gardena 2018 case
- Riley v. Alameda Co Sheriff's Office 2019 case
- Scott v. Harris 2007 case

## APPENDIX B: GLOSSARY

- The SMEs did not remove any definitions from the previous version. The SMEs did recommend renaming “pursuit” (the term from the previous version) to “vehicle pursuit” to better reflect the proper term and remove confusion from any other type of pursuit. The SMEs also recommended changing the definition of a vehicle pursuit to that as used by the California Highway Patrol since it has already been vetted statewide and is more commonly used. For this reason, the SMEs felt these were necessary revisions.
- The SMEs recommended the addition of the definition of an authorized emergency vehicle. This term is commonly used in legislation surrounding vehicle pursuits and was not included in the previous version and thus deemed a necessary revision.
- The SMEs also recommended the addition of the definition of a law enforcement officer. This term is commonly used in legislation surrounding vehicle pursuits and was not included in the previous version and thus deemed a necessary revision.

## BENEFITS

The benefits anticipated by the proposed amendments to the regulation will ensure consistency to contemporary practice and current legislative requirements for the creation or revision of policy and for the delivery, creation, or revision of training, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

## ECONOMIC IMPACT ASSESSMENT/ANALYSIS

### *Impact of Jobs/New Business:*

POST sets law enforcement selection and training standards for its member law enforcement agencies and training providers. Participation in the POST program is

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voluntary and limited to governmental law enforcement agencies. The proposed regulatory amendments will only have a direct effect on law enforcement agencies. Therefore, the proposed regulatory amendments will neither create nor eliminate jobs in the state of California. Additionally, they will not result in the elimination of existing businesses, ability to expand businesses in the state of California, or discourage qualified businesses from becoming providers of law enforcement training.

*Assessment:*

POST has found that the proposed amendments will have no effect on California businesses, including small businesses, nor will the changes impact the elimination or creation of jobs because the regulatory action addresses requirements that are currently in place as they relate to the background inquiries required when evaluating a candidate for peace officer selection. The proposed amendments only affect California law enforcement agencies and create changes in existing processes that will not require additional training or take away from existing responsibilities.

*Benefits:*

The benefits of proposed amendments to the regulation will increase the efficiency of the state of California in delivering high-quality services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

POST concludes that it is:

- (1) unlikely that the proposal will create nor eliminate any jobs for law enforcement agencies in the state of California;
- (2) unlikely that the proposal will create nor eliminate any businesses;
- (3) unlikely that the proposal will result in the expansion of businesses currently doing business in the state; and
- (4) likely the benefits to the public are preserving the peace, protection of public health, safety, and welfare in California.

**TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS RELIED UPON**

POST did not rely on any technical, theoretical, and/or empirical studies or reports.

**EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**



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POST has determined that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. POST has found the proposed amendments will have no effect on California businesses, including small businesses because the regulation only applies to law enforcement agencies and addresses law enforcement agency responsibilities. The proposed regulatory amendments will only have a direct effect on law enforcement agencies and does not impact California businesses, including small businesses.

**CONSIDERATION OF ALTERNATIVES**

POST considered no alternatives to the proposed regulations but welcomes public comments suggesting reasonable alternatives that are proposed as less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing statute.